

AUG 12 2005

A-75031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHIOU-FENG CHEN, ET AL.

Serial No. 10/802,253

Filed: March 17, 2004

For: FLASH MEMORY WITH ENHANCED
PROGRAM AND ERASE COUPLING
AND PROCESS OF FABRICATING
THE SAME

Examiner: Hein N. Nguyen

Group Art Unit: 2824

August 12, 2005

RESPONSE TO OFFICE ACTIONCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

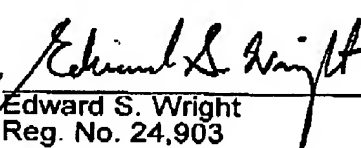
Sir:

In response to the Office Action mailed July 27, 2005, applicant is submitting a Terminal disclaimer to overcome the double patenting rejection. Since that is the only ground upon which the claims were rejected, applicant trusts that the claims will now be allowed and the application will be passed to issue.

The Commissioner is authorized to charge any fees required in connection with this matter, including extension fees, to Deposit Account 50-2975, Order No. A-75035.

Respectfully submitted,

By


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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS RESPONSE IS BEING FORWARDED TO THE PATENT OFFICE
FOR FILING VIA FACSIMILE TRANSMISSION TO (571) 273-8300 ON August 12, 2005.


EDWARD S. WRIGHT

AUG 12 2005

002/002

PTO/SB/25 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)
A-75031

In re Application of: Chiou-Feng Chen, et al.

Application No.: 10/802,253

Filed: March 17, 2004

For: FLASH MEMORY WITH ENHANCED PROGRAM AND ERASE COUPLING AND PROCESS OF FABRICATING THE SAME

The owner, Actrans System Incorporation, USA, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/803,183, filed on March 17, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 24,903

Edward S. Wright
Signature

August 12, 2005
Date

Edward S. Wright
Typed or printed name

(650) 930-0830
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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